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OFFICE OF PETITIONS

Applicant: Mougin

Appl. No.: 10/734,181

Filing Date: December 15, 2003

Title: HAIR-COSMETIC COMPOSITION COMPRISING AT LEAST ONE FILM-FORMING
GRADIENT COPOLYMER, AEROSOL COMPOSITION COMPRISING THE COSMETIC
COMPOSITION AND METHOD FOR TREATING HAIR USING THE COMPOSITION

Attorney Docket No.: 05725.1303

Pub. No.: US 2004/0180019 A1

Pub. Date: September 16, 2004

This is a decision on the request for corrected of patent application publication under
37 CFR 1.221(b), filed on November 16, 2004, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein some of the text is repeated on pages 6, 20, 22 and 24 of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors noted by requestor wherein some of the text that appears before and after the drawings in the specification is repeated in the pre-grant publication are Office errors but they are clearly understandable to one of ordinary skill in reading the specification and the claims. The mistakes are minor errors, as some of the text is simply just repeated, thus the specification is clearly understandable from reading the specification. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

Furthermore, this is a not material error since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

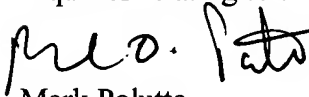
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



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